

REMARKS

Claims 1-12, 15-33, 45 and 49-51 are pending in this application. Claims 13 and 14 have been canceled and claim 1 has been amended to incorporate the limitations of former claim 14. Claims 47 and 48 have been canceled and claim 45 has been amended to incorporate the limitations of former claim 48. Claim 29 has also been amended to specify that the deposited CDO film has a carbon-carbon triple bond to silicon oxide bond area ratio of about 0.3% to 7% based on FTIR peak area.

Applicants respectfully request entry of these amendments as they add no new issues and simplify issues for resolution.

All pending claims have been rejected under 35 U.S.C. § 103.

35 U.S.C. § 103 Rejections

The pending claims have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,797,643 to Rocha-Alvarez et al. ("Rocha-Alvarez"). Applicants address the rejections below.

Claims 1-12 and 15-28

Claim 1 has been amended to incorporate the limitations of former claim 14, namely the recitation of specific CDO precursors. Rocha-Alvarez provides examples of aliphatic compounds that may be blended with a cyclic organosilicon precursor in col. 3, lines 15-55. As discussed in the previously filed amendment, the claimed precursors are *not* interchangeable with the variety of organosilicon compounds disclosed in Rocha-Alvarez in col. 3, lines 15-55. Rather, the claimed compounds result in an incorporation of carbon-carbon triple bonds in the film, thereby resulting in lower tensile stress. Although Rocha-Alvarez mentions that the precursor may contain triple bonds, nothing in Rocha-Alvarez teaches or suggests any of the particular compounds recited in claim 1.

In response to this, the Examiner has stated that the rejection is maintained because Rocha-Alvarez "discloses a variety of organosilicon compounds and that many compounds are interchangeable. It would have been obvious to utilize the claimed compounds with an expectation of obtaining similar results."

Applicants respectfully submit that the rejection does not provide any suggestion or motivation to modify Rocha-Alvarez in the manner the Examiner suggests, as is required to make a § 103 rejection (MPEP 2143.01). Nor can Applicants find any in Rocha-Alvarez. Applicants note that the reference does not teach or suggest any of the specific precursors claimed, nor the advantages of using such compounds. Applicants respectfully submit that a statement that "compounds are interchangeable" is not sufficient suggestion to modify the reference and absent a suggestion to interchange the compounds of Roche-Alvarez with the claimed compounds, a *prima facie* case of obviousness is not established.

For at least these reasons, Applicants submit that claim 1 and its dependent claims are patentable over the cited art, and request that the § 103 rejections be withdrawn.

Claims 29-33, 45 and 49-51

Claim 45 has been amended to incorporate the limitation of former claim 48. Specifically, the claim now recites that the CDO film has a carbon-carbon triple bond to silicon oxide bond ratio of about 0.3% to 7% based on FTIR peak area. As discussed in Applicants' specification, CDO films having this range of FTIR peak area ratios have lower stress. Films having this range of carbon-carbon triple bond to silicon oxide bond peak area ratios are not taught or suggest by Rocha-Alvarez. Nor does Rocha-Alvarez teach or suggest any method of obtaining such films.

For at least this reason, Applicants submit that claim 45 is patentable over the cited art. Claim 29, which has also been amended to specify this range of peak area ratios, is also patentable for at least this reason, as are dependent claims 30-33 and 49-51, and request that the § 103 rejections be withdrawn.

Double Patenting

Claims 1-33 and 45-51 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-27 of copending application No. 10/800,409 and over claims 1-31 of copending application No. 10/820,525. Applicants propose to file terminal disclaimers when and if any of these claims are otherwise indicated allowable.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. NOVLP094).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Denise Bergin
Reg. No. 50,581

Tel: 510-663-1100
P.O. Box 70250
Oakland, CA 94612-0250